

REMARKS

Claim Amendments

Claims 1, 3, 5, 8, 10, 15, 17, 19, 21, 24 and 26 have been amended to include a feature contained in claim 6 (and 22). As such, Applicants respectfully submit that these amendments do not require an additional search by the Examiner. Rather, these amendments place the claims in condition for allowance.

Claims 9 and 13 have been revised to correct for grammatical errors. These revisions are not related to the patentability of these, or other, claims.

The claims are patentable over the newly cited references to Munday et al. ("Mundy") and Haartsen ("Haartsen")

Each of the claims of the present invention includes the feature of pseudorandomly selecting a frequency or frequencies from a set of frequencies that has been constrained, reduced or limited "such that at least one of the selected frequencies is prohibited from subsequent selection in at least a portion of [a] time period, T ."

It is respectfully submitted that neither Munday nor Haartsen, taken separately or in combination, discloses or suggests such a prohibition on frequency selection.

Instead, it appears that after a set of frequencies is selected in Munday or Haartsen any frequency within the set can be re-selected without prohibition. Said another way, neither Munday nor Haartsen is prohibited

from re-selecting a frequency, from a set of allowable frequencies, that has already been selected during a time period, T , as in the claims of the present invention.

Therefore, Applicants respectfully submit that neither Munday nor Haartsen can anticipate or render obvious the claims of the present invention.

Applicants respectfully request entry of the amendments referred to above, withdrawal of the pending rejections and allowance of claims 1, 3, 5, 6, 8-10, 12-17, 19, 21, 22 and 24-26.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

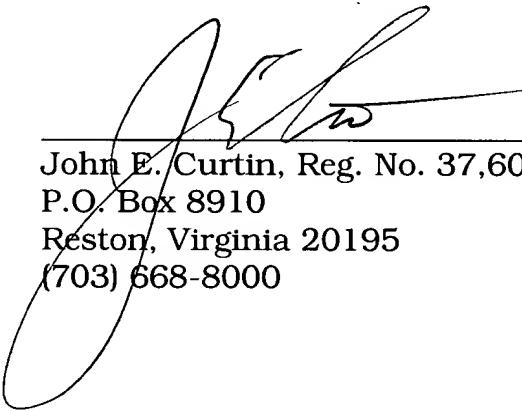
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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